

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

AUGUST 1, 2013; 5:33 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,
BARRY FLITTON AND SCOTT FREITAG**

ABSENT:

MICHAEL BOUWHUIS AND JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, TRACY PROBERT AND
THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Curtis opened the meeting and excused Councilmembers Bouwhuis and Francis. He turned the time over to Alex Jensen, City Manager.

AGENDA:

FINANCIAL UPDATE

Tracy Probert, Finance Director, said sales tax revenue for May was \$947,000, which was \$75,000 above what was budgeted for May, and about \$50,000 above the previous year. He said for the year, sales tax revenue was up about \$482,000, or 4.82%. Tracy said a number of other revenues were up for the year as well. He said total revenues were about \$1,000,000 above what was budgeted.

Tracy said Staff was working on finalizing expenditures for the last fiscal year. He said sales tax and property tax revenues were up, and permit revenues were up substantially. Tracy said Staff did a comparison of building permits for June/July of 2012, and June/July 2013, and they were down a little. He said that was anticipated because permits issued in June/July of 2012 were very large permits. Tracy said the number of permits was not down, but with the substantial multi-unit complexes in 2012 the value of the permits was down.

**WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND LEGACY
NEIGHBORHOODS, LLC – RESOLUTION 13-42**

Gary Crane, City Attorney, said cities were not allowed to sell, lease or get rid of water under the constitution of the State, because municipal use of water was very important. He said the only way the City could deal in water was through an exchange. Gary said Layton was fortunate to have secondary water reservoirs in the City that belonged to secondary water companies. He said those secondary water rights were some of the oldest in the State, especially in the Kays Creek Irrigation Company.

Gary said Kays Creek Irrigation Company was becoming more and more a Layton delivery oriented company. He said Kays Creek irrigation Company delivered secondary water to east Layton, and parts of west Layton, and there was a possibility in the future that they may deliver more. Gary said the City had obtained a considerable number of shares in Kays Creek Irrigation Company, and the two entities complimented each other.

Gary said as a result of the City's exaction ordinance, the City had a number of shares of Davis and Weber Counties Canal Company (Davis/Weber) shares. He said Davis/Weber exclusively serviced an area that included the western portion of the City. Gary said at this time, with their resources and piping,

they were serving as much area as possible in the western part of the City. He said the City didn't anticipate any expansion by Davis/Weber at this time in the west, but they did anticipate some expansion on the part of Kays Creek Irrigation Company.

Gary said the city of Kaysville was entirely serviced by Davis/Weber. He said there was a new subdivision, Hill Farms, being developed in Kaysville City by Legacy Neighborhoods, LLC. Gary said they had a lot of Kays Creek Irrigation Company shares that they could not use, and the City had some Davis/Weber shares it could not use. He said Staff was recommending an exchange of an equal amount of acre feet of water with that development. Gary said this would give the City ownership of Kays Creek Irrigation Company shares in exchange for Davis/Weber shares. He said this was a good situation for the City. It was another step forward in obtaining water for the City through build-out. Gary said Layton City was very well set for water and wanted to make sure they were planning well for the future.

Council and Staff discussed the City's culinary water system and water the City purchased from Weber Basin Water Conservancy District.

LAND SALE AGREEMENT BETWEEN LAYTON CITY AND KATIE'S PLACE, LLC – APPROXIMATELY 1690 WEST 2000 NORTH – RESOLUTION 13-36

Bill Wright, Community and Economic Development Director, said a few months ago the City was approached by Cory Bowden about property the City owned at 1690 West and Antelope Drive. He said 1690 West previously intersected with Antelope Drive, but many years ago UDOT and the City realigned that street and made a four-way connection at Robins Drive. Bill said 1690 West was abandoned and a barrier was put up to remove the connection to Antelope Drive. He said this left a remnant piece next to some UDOT property.

Bill said Mr. Bowden was interested in purchasing the home to the east, which was zoned PB (professional business). He said Mr. Bowden wanted to acquire the property to the west from UDOT, along with the City's property, and develop a medical office building on the site. Bill said UDOT was willing to sell their property. He said the City's property contained approximately 6,320 square feet and had utilities running through it. Bill said the sewer line could easily be changed to provide service to a new building, but an existing water line easement would need to remain or be relocated. He said it was highly probable that the water line would be relocated.

Councilmember Brown asked if the water line would be relocated at Mr. Bowden's expense.

Bill said yes, and the property would still be encumbered by that utility easement. He said it would likely be moved to the east side of the property.

Bill said Mr. Bowden would be paying good value for the property, and realized the encumbrance of the easement. He said the property did not meet the definition of significant, therefore the City was able to dispose of it in this manner. Bill said the PB zone required a minimum lot size of 10,000 square feet; on its own the property could not be developed as a separate parcel.

Gary Crane indicated that when making a motion, the Council would need to make a definite finding that it was not a significant parcel of property.

Bill said the value for the property had been set at \$10,000, and Staff would recommend approval.

Councilmember Flitton said that seemed like a low price.

Bill said Clint Drake was involved in most of the negotiations. He said Staff found other properties that were of a similar value. Bill said it didn't meet the minimum lot size so that by itself nothing could be built on it. He said the encumbrance of the easement also reduced the value of the property by

approximately 50%.

Councilmember Flitton asked if UDOT was asking the same price for their property.

Bill said UDOT had indicated that they would follow the price set by the City.

REZONE REQUEST – DARREL FARR – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 850 NORTH 3200 WEST – ORDINANCE 13-23

Bill said this was a request to rezone property on the east side of 3200 West; south of Gordon Avenue, from A to R-S. He said there was PB zoning on the corner that contained a medical building, and there was a small PB use on the adjacent corner; this property was just south of that PB zoned property. Bill said the proposal was to develop a five-lot residential subdivision. He said the proposal met all General Plan requirements for the area. Bill said at the Planning Commission meeting there was discussion about backing onto 3200 West, which would be a residential collector street. He said with the width of the lots, the Planning Commission recommended circular driveways to allow for forward access onto 3200 West.

Councilmember Freitag asked if the circular driveways would be a requirement.

Bill said that could be handled at the subdivision level approval. He said it could be a requirement, but it didn't mean that it would be a circular driveway; it might be a hammerhead turn. Bill said it was not typical, but with the width of the lots it could be accomplished through the subdivision process.

Councilmember Freitag asked if there were other examples in the City where that was required.

Bill said not that he could think of. He said it could be expressed as a desire.

Councilmember Freitag said he wouldn't want to start a precedent where this would be required since it had not been thoroughly studied or considered.

Councilmember Brown suggested that the buyers of the lots be informed that the street would be a collector street, but that a circular drive was available. She said she would not want circular driveways required.

Bill said something could be placed on the plat indicating that it would be a collector street.

REZONE REQUEST – RIGBY – A (AGRICULTURE) TO C-H (HIGHWAY REGIONAL COMMERCIAL) – 770 SOUTH MAIN STREET – ORDINANCE 13-22

Bill said this property was located on the southern portion of Main Street just south of Wasatch Trailer. He said the property was annexed into the City in 1995. When the property was annexed the owners preferred to leave the property in the agricultural zone because it had open land that was being farmed. Bill said Mr. Rigby was representing a family trust that owned the property and they were ready to proceed to market the property for development and wanted the zoning in place. He said the C-H zone was consistent with the area and met the General Plan for the area.

Councilmember Brown asked what would be put on the property.

Bill said he didn't believe they had a specific business in mind.

ORDINANCE AMENDMENT – TITLE 19, CHAPTER 19.12, SECTION 19.12.050 – PARKING SPACES FOR COMMERCIAL, INDUSTRIAL & INSTITUTIONAL USES – ORDINANCE 13-06

Alex said this was a revisiting of an issue that was previously discussed regarding the parking standard

for commercial, industrial and institutional uses, which came forward as a request from Lowe's.

Bill asked if Council had any additional questions. He said this was thoroughly vetted by the Planning Commission with two different studies and two public hearings. He said it was bringing the market demand for larger home improvement stores in line with parking requirements. Bill said the Planning Commission and Staff agreed that the parking requirement should be 2 parking spaces per 1,000 square feet of gross floor area; outside seasonal gardening areas should be 1 parking space per 1,000 square feet.

Bill said currently the requirement was 5 parking stalls per 1,000 square feet of net retail space. He said the net retail space excluded things like restrooms, storage spaces, loading docks, and office space. Bill said for a comparison in the Lowe's building; that would be approximately 3.2 parking spaces per 1,000 square feet of gross floor space. The 3.2 stalls would be lowered to 2 stalls, plus 1 stall per 1,000 square feet for the gardening area. Bill said through very detailed studies, it was proven that this was sufficient parking for off-peak and high-peak times.

Councilmember Brown said during the summertime they sometimes put items in the parking area. She asked if that was addressed in the study.

Bill said that it was. He said in the study they counted any parking space that was occupied by anything.

Councilmember Brown asked if on a very large sale day, with all of the parking stalls taken, would parking be allowed on the surface streets.

Bill said no parking was allowed on Antelope Drive; Woodland Park Drive was not marked as no-parking.

Councilmember Brown said one citizen had expressed concerns with cars parking on Antelope Drive, which could cause problems for access into Lowe's.

Bill said the study showed that even at peak times there would be parking available.

ORDINANCE AMENDMENTS – AMENDING SECTION 3 OF THE LAYTON CITY DEVELOPMENT GUIDELINES AND DESIGN STANDARDS ENTITLED STREET IMPROVEMENTS; AMENDING TITLE 16, SECTION 16.04.010-D103.4 OF THE LAYTON MUNICIPAL CODE ENTITLED DEAD ENDS; AMENDING TITLE 18, SECTION 18.24.070 ENTITLED TEMPORARY TURNAROUNDS; AND AMENDING TITLE 19, SECTION 19.07.120 ENTITLED DEVELOPMENT STANDARDS – ORDINANCE 13-17

Alex said this was previously discussed and was a proposed ordinance amendment dealing with temporary turnarounds when subdivisions were phased.

Bill said turnarounds were discussed in several sections of the code. He said Staff became aware of some issues with temporary turnarounds that had been approved many years ago that needed to be corrected into through streets as new development was occurring. Bill said in a few occasions Staff found some instances where escrow monies either hadn't been placed in an escrow account or the escrow funds had been released when the subdivision was completed. There were some escrow accounts in banks that had failed. Bill said Staff discovered that the way of handling this in the past was probably not the most effective way; particularly when there was a lag in development.

Bill said there were three alternatives being proposed by the development committee. He said the first alternative was a standard cul-de-sac with a maximum length of 500 feet. Bill said there were times when a standard cul-de-sac could not be built because the street would eventually extend into another phase or abutting property. He said a second alternative was for a temporary drivable surface turnaround, with a maximum length of 500 feet, on abutting property under an easement or in the next phase of the project.

Bill said this could be a gravel or road base turnaround.

Bill said another option could be used when the developer couldn't acquire the easement for a temporary turnaround on abutting property. He said the street could be stubbed with a maximum of two lots on the street from an intersection, or more than two lots could be constructed if there was fire suppression in the homes beyond the two homes from the intersection or 150 feet.

Bill said the third option, which was not encouraged, would be a knuckle or bulb in the street that would provide a permanent turnaround right before the stub into adjacent property. He said this would be a permanent bulb in the street with curb, gutter and sidewalk, with appropriate setbacks from the bulb. Bill said in this instance the bulb would be permanent and not removed at a later date.

Bill said the major problem the City had with these semi-permanent turnarounds was that when it was time to take them out, it was not as simple as extending the gutter and sidewalk. He said it impacted the grade of driveway approaches; landscaping; etc.

Councilmember Brown asked if permanent turnarounds were allowed to put an island in the middle that could be landscaped.

Bill said that had not been allowed. He said at these levels of local streets it could become an issue for trucks or snow plows.

Councilmember Freitag asked if this had any impact on existing stubs.

Bill said property owners have been told that existing situations would be dealt with on a case by case basis. He said Staff was currently working on two.

Councilmember Freitag said there was a lot of debate between fire officials and builders on fire suppression systems within homes. He said one issue was the expense of fire suppression systems and they needed to be maintained; and they didn't work if there was no water. Councilmember Freitag said fire suppression systems have been allowed in some areas of the City where there were very long driveways or locations that were difficult to access because of topography. He said looking at normal, flat access, he felt that the City was applying an expensive safety net that was at risk of not doing what it was suppose to do to fix another problem. Councilmember Freitag said there was a lot of debate about this; there were 40 states that had banned residential fire sprinklers that didn't meet some of the other criteria. He said the introduction of fire sprinkling systems into areas that were normally covered by fire apparatus was the debate.

Councilmember Freitag identified his home on an overhead map, which was adjacent to a temporary turnaround. He said with the current alignment of the street, if the street were to continue into the adjacent property, the people across the street from him would be left with additional property, but his driveway/property would be reduced significantly. Councilmember Freitag asked who would bear the responsibility for the cost of redoing the landscaping, curb, gutter and sidewalk in these areas. He said on top of that, utilities were placed within the right-of-way.

Councilmember Freitag said looking at the three proposed options, these homes would have less fire protection because there wouldn't be a temporary turnaround, and it was less than 150 feet so fire suppression wasn't required.

Bill said that was correct. He said the 150 foot standard within the fire code was used to determine when a fire suppression system was required. Bill said the Fire Department had indicated that they could provide fire protection up to a second lot if the first lot was not over 150 feet into the stub street. He said he didn't think that the Fire Department wouldn't be able to fight a fire in the second house; they might have to manage their apparatus better or make a backing movement.

Councilmember Freitag said the fire code, which was adopted by the City, indicated 150 feet. He said he wasn't debating whether or not they could put out a fire; that was the code. Councilmember Freitag said in order to meet the code, the City was requiring a turnaround or a fire sprinkling system; except in this case. He said he didn't know how the City kept with the fire code by giving exceptions on what people could do.

Bill said he couldn't speak to it relative to the fire code, other than to say that the Fire Department had been involved in developing the standards.

Councilmember Freitag said a fire sprinkling system would be required in the third, fourth or fifth home from an intersection.

Bill said that would be an option if the developer didn't want to provide one of the turnaround options. He said Staff would work with developers in keeping stub roads as short as possible; maybe they would only do the home on the corner and include the remaining lots in a separate phase when connection into the abutting property was better known. Bill said the goal was to provide options for the developer to choose from.

Alex said in discussions with the development community, they appreciated options. He said most developers had the preference of working with the abutting owner and getting a temporary easement that would be a gravel turnaround. Alex said they recognized that in some cases that would not be available, but they wanted flexibility. He said Staff would try to catch these issues at the design phase and take away those longer dead-ends or cul-de-sacs. Alex said developers felt that a sprinkling system was a viable option, as was the permanent bulb. He said the City was trying to be flexible with the developers, given that the current system was not working, but provide adequate fire protection.

Councilmember Freitag said he understood the idea of giving developers options, but he didn't know if he was comfortable with that particular option as a trade off for what had typically been required. He said he understood the funding issue.

Bill said staying on the current path did not seem like a good way to go, and it disrupted the property owner after many years had gone by and they had to deal with the cul-de-sac being removed.

Alex said he didn't think the Fire Department saw this as a lessening of the standard, but they saw it as something within their discretion. He said the Fire Department took a very conservative view of this.

Council and Staff discussed areas in the City where these situations existed, particularly Councilmember Freitag's area. They discussed solutions to deal with homeowners that would want the temporary cul-de-sacs removed where there wasn't bonding money available to cover the cost.

Alex said there might be other options that hadn't been considered that they would be happy to look at, if the Council had some additional thoughts on that.

Councilmember Freitag asked Gary Crane if the City had the right to adopt an ordinance that was not in line with the standard.

Gary said the City's current ordinance exceeded what was required in the fire standards. He said a few years ago the City had the opportunity to grandfather some standards that were in place before the State made changes. Gary said he didn't know if this was one of those instances, but he would be happy to look at it.

Councilmember Freitag said he was satisfied with it being an option, but he was not sure that the City could do it and be in compliance with the fire code adopted by the State, which was then adopted by the

City.

Gary said he would review the 150 foot requirement to see if there was any flexibility for providing for something other than the standard. He said he thought the City was allowed to select other options that may accommodate the same thing. Gary said he would review it.

Councilmember Freitag said his concern was not so much about the fire fighting ability, because a fire engine could access these situations. He said for the safety of fire fighters and citizens, he recalled that at some point they felt that over 150 feet was too far to back a fire apparatus, so a turnaround had to be provided. Councilmember Freitag said he didn't think it necessarily had to do with fighting a fire. He said putting a fire sprinkling system in a home did not resolve the issue of backing a fire engine.

Discussion suggested that this item should be tabled at the regular meeting to allow Gary time to review the fire code.

CLOSED DOOR:

MOTION: Councilmember Flitton moved to close the meeting at 6:38 p.m. to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. Councilmember Freitag seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 6:59 p.m. Councilmember Flitton seconded the motion, which passed unanimously.

The meeting adjourned at 6:59 p.m.

Thieda Wellman, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **1st day of August, 2013**, was to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares.

Dated this 5th day of September, 2013.

ATTEST:

J. STEPHEN CURTIS, Mayor

THIEDA WELLMAN, City Recorder